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Drawing Distinctions Responsibly and Concretely: A European Protestant Perspective on Foundational Theological Bioethics

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Public discourse in continental Europe gives a uniquely prominent place to human dignity. The European Christianities have always taken this notion to be an outgrowth of their theological commitments. This sense of a conceptual continuity between Christianity and secular morality contributes to the way in which these Christianities, especially (but not exclusively) in Germany, have perceived their public role. In an exemplary manner, this essay engages the secularized societal environment. In meeting the secular discourse on its own home ground, it seeks to recapture the theological roots of that discourse's defining value commitments. The challenges that modern societies present for Christians are seen not as a threat that would destroy a presumed original societas Christiana. *Instead, these challenges create an opportunity to transform the Gospel's message so as to have it conform to, but also allow it to criticize, contemporary scientific knowledge about the world and man. Bonhoeffer's rendering of the Lutheran doctrine of the two kingdoms here makes it possible to link the Christian understanding of man as "in the image of God" with the secular affirmation of human dignity. As an intermediate concept, "incarnate reason" allows the bioethical discourse to preserve crucial aspects of the Christian tradition, while at the same time giving space to a constructive as well as critical exchange with secular discourse partners.*

Keywords: *doctrine of two kingdoms, foundational theology, human dignity, image of God, incarnate reason, modernity, political compromise, Protestant bioethics*

I. PROTESTANT BIOETHICS AND THE CHALLENGE OF MODERNITY

In the European Context, Opposition to Modernity Is Not by Itself a Proof of Authentic Christian Bioethics

In the face of an often painful experience of human finitude, religion is generally expected to offer help toward confronting such experience. For many Europeans today, this expectation is even one of religion's historically confirmable and still relevant sources. Modernity, of course, has rendered this general human situation, along with the options for coping with it through religion, more complex. Modern medicine offers its own blessings, but it also sets aside traditional assumptions concerning the human condition. Neither the beginning nor the end of life is simply pre-given. Both have become subjected to external influence, even to manipulation. At the same time, religion has lost its orienting function for many people in Europe. The situation is aggravated by the fact that the old canonical texts in most cases provide no longer any immediate guidance when it comes to solving the life-and-death conflicts that are induced by contemporary medicine.

If in spite of all that—and on a cross-denominational level—something like a theological bioethics has surfaced in Europe, this event is not a matter of course. A theological bioethics must establish its legitimacy in view of its own sources and integration into theological and church tradition, to be sure. But at least in Europe, such a bioethics is also confronted with the additional question: should the Christian tradition generate a primarily critical or instead a constructive contribution to the developments of modern life? The first amounts to the claim that modernity necessarily implies a plain deviation from a presumed original (cf. Delkeskamp-Hayes, 2008, 25, note 3) *societas Christiana*.[1]

Yet most Europeans today would argue that such a society was anyway never more than an ideal. They therefore usually prefer the other alternative of a constructive relationship to modernity. Here it is assumed that within modernity, Christians can find developments that, although not unconditionally praiseworthy, can yet be appreciated in part. Thus the democratic state, the rule of law, and social redistribution, all of which were established on the basis of the human rights tradition, all qualify for Christian approval. These achievements of modernity are in fact taken to have internalized central insights from the biblical-Jewish-Christian tradition. It is just that these insights were later subjected to a process of transformation that, however, is not per se un-Christian. The project to follow Thess.5:21: "Examine everything, keep what is good" requires, of course, criteria for discerning the "good."

The Christian bioethics portrayed in this essay assumes that the central such criterion is the article of faith concerning God's turn to the world (2. Cor.5:19: "For God was in Christ and reconciled the world with Himself and

did not account their sins against them and erected among us the word of reconciliation"). It is to this fact, so this author assumes, that the church has to bear witness, not only in word and with the tongue but also through works and in truth (cf. 1.John 3:18).

Such an approach also makes it possible to avoid classifying pluralism and secularity as per se opposed to Christianity.[2] This holds especially where plural and secular societies respect, and in favorable circumstances even actively promote, conditions for a human communality, the normative validity of which can be extrapolated if only the Gospel texts are read in light of the concerns of our day. Among these conditions, as these are presently envisaged in most Western European societies, is the recognition of each individual and of his freedom, understood in a way that presupposes additional givens such as love, the rule of law, and social solidarity (cf. Honneth, 1995). From such a perspective, neither the unconditional approval nor the unconditional disapproval of modernity is indicative of authentic Christianity. Instead, all depends on the attempt to frame one's individual as well as collective (i.e., societally organized) way of life so as to provide space for God's intervention in this world. The main problem then is: how is this to be accomplished, and how can the authenticity of such witnessing be measured?

Protestantism and Modernity in the World

Protestantism, especially in its Western European variety, which circumscribes my own position, has largely avoided outrightly opposing modernity. Instead, one finds a high affinity to this historical development, an affinity which in some cases has even been excessive. Several circumstances have favored this attitude. Most Protestants focus on the Gospel of justification. The individual's salvation here does not depend on morally good works, as mediated by any therapeutic or soteriological support offered by the institution of the church(es). Instead, that salvation is seen as deriving from God's infinite mercy alone. This interpretation places the individual at the centre. Discipleship with Christ is disassociated from the church(es). Individuals' *worldly* vocation is thus appreciated as the locus of genuine imitation of Christ and of a love of neighbor that has been liberated from all worry about one's personal salvation.[3] Even the project of perfecting the world as world was reinterpreted, welcomed within, and supported by Protestantism. The famous Lutheran doctrine of the two kingdoms makes clear that, expressed in modern terms, what satisfies worldly criteria of effectiveness and efficiency within a functionally differentiated society still is subject to God's guidance. And this holds in spite of the fact that the details concerning the relationship between the kingdom of God on the left hand, that is all the realities of life (excepting what pertains to the proclamation of the Gospel), and the kingdom of God on the right hand, that is the Divine ordinances for that

proclamation, were always highly contested. But regardless of these differences in the details, the Lutheran doctrine of the two kingdoms displays an anti-Manichaean tendency: the world, along with the diverse and in their diversity legitimate worldly ways of orienting oneself within it, presents the place to which the Divine blessing of sustenance, preservation, and accompaniment extends.[4]

Dietrich Bonhoeffer grasped the essence of the relationship between the two kingdoms in terms of the difference between the ultimate and the penultimate (Bonhoeffer, 2005, 146–70; cf. Dabrock, 2007a). He thus was able to accommodate both: Christians' necessary distance from the world and the legitimacy of their deep engagement with the world. Bonhoeffer did not separate those attitudes from one another. The ultimate, that is the (believed) reality of justification as the centre of both faith and a theology that reflects on faith, takes precedence over the penultimate, that is all nontheological systemic rationalities. The ultimate empowers, corrects, and limits the penultimate (cf. Bonhoeffer, 2005, 158–60). This approach avoids two pitfalls. On the one hand, the penultimate, in its matter of fact commitments, is no longer immediately derived from the ultimate.[5] On the other hand, the systemic rationalities are no longer simply abandoned to their autonomous functionalities. Such abandonment, after all, always left theology incapable of offering any substantial correction or criticism.[6]

A theology that is informed by Bonhoeffer's graded distinction between the ultimate and the penultimate will both respect the independent requirements addressed in nonreligious language games as signs of humans' independent worldly competence, and it will assume a critical position wherever concerns with the penultimate threaten humans' ability to integrate a concern for the ultimate dimension of life.

This differentiated position has important implications. Wherever immanent worldly responsibility is identified as a legitimate locus for Christian discipleship, the engagement with the world counts as not even external to the faith. Whether all Protestants were aware of this or not, in Bonhoeffer's account ethics, as a theory that reflects on existing moralities, is not exhausted by pastoral care for individual Christians. Whether the Protestant commitment to shaping the world is conceived in terms of "changing the world by changing the hearts"[7] or whether one aims at an immediate ethical evaluation of attempts at shaping the world, is, theoretically speaking, not of primary importance. It does make a significant difference for practice, to be sure. Still, both understandings of the doctrine of the two kingdoms, the one starting out with the individual, the other focusing more on institutions, affirm Christians' genuine responsibility for the world, as nourished by their faith.

None of this should of course suggest that God and eternal life are irrelevant for Protestantism (cf. Delkeskamp-Hayes, 2008, 11). This would be a serious misunderstanding. Most Protestants affirm with Paul in 1. Cor.15:14:

"If however Christ is not risen, then our preaching is in vain, and your faith is also in vain." But few Protestants believe that the affirmation of Christ's resurrection, which is constitutive of the Christian faith, has immediately to be engaged for the purpose of ethical guidance (cf. Delkeskamp-Hayes, loc.cit.). In this area, Protestants simply refer to the salvation of mankind effected by God himself. *Satis est* (that is sufficient) for Christians' way of acting. The Christian life is shaped by a gratitude that expresses itself in the service of one's human neighbor. This gratitude in turn triggers the decisive change in perspective: in freeing moral questions from worries about one's own salvation, the Christian agents are set free to worry about the other, about the world, and the environment in which human life is to be lived in a God-pleasing manner.

Nor does such a religiously motivated responsibility for the world seduce Protestants into restricting their emphasis (cf. Delkeskamp-Hayes, 2008, 11) to the world and to humans' engagement with it. Their main focus remains the theory of justification, that is the assurance of God's saving turn to man. Protestants thus relegate all merely immanent worldly visions and promises for human salvation to the realm of soteriologically unfounded, merely penultimate convictions. What counts within Protestant ethics, to speak with Johannes Fischer (2002), is always a combination of moral concerns and other reasons: the Christian identity which the faithful recognize as having been granted to them as children of God and members of the body of Christ, before they even begin to act. Even before Protestants thus move to questions such as "what ought we to do?," they consider "who are we?" They ask how we are to interpret the Christian existence in the presence of a God who has turned to us through his eternal good news. All of this limits morality. It sustains a continuous critique of all pretensions for ultimate validity offered by the diverse moralities.[8]

On the Difference between Ecclesial and Academic Theology

Protestant theology in Europe was never conceived in terms of a subsection of church doctrine, let alone of a church *Magisterium*. In view of theological systematics, such a participatory or derivatory construal would be incompatible with the Protestant commitment to Scripture, rather than to the church, as primary normative basis of the faith. This is why even the Protestant church itself is placed under the critical *proviso* of what Scripture, considered as holy, imposes as the beneficent assurance of the justification of the godless.

This is why statements made by Protestant churches concerning moral or political conflicts never address these conflicts directly, but always indirectly, that is in view of Christians' life in the faith. This is also why the publications issued by the *Evangelische Kirche in Deutschland* do not aim at providing any immediate moral decisions but instead at enhancing Christians' capacity

for moral discernment. The considerable distance that exists between academic theology and the institutional church in Protestantism reflects the view that the former should enable the faithful to develop genuine theological competence. This service of theology transcends the purpose of assuring the faithful of their salvation. To be sure, only very few theologians would doubt that the community of the faithful, and thus of the church, is connected by a common horizon that is also constitutive for all academic theology, and that therefore such theology can even be understood as a function of the church. Still, there is great emphasis on the point that the freedom of Christians, howsoever it is confined within the frame provided by Scripture and its claim to exclusivity, also extends to theologians. Accordingly, the optimal relationship between theology and church within Protestantism can be characterized as mutually favorable constructive-critical partnership. This partnership defines theology's internal and external tasks:

> While theological ethics in its relationship to the societal environment, i.e. in its discourse with non-Christian world views and especially with non-Christian ethics, functions as a mediator for advocating Christian traditions, its internal importance for the church and for church statements concerning specific questions about the conduct of life consists in critically examining the normative validity and authority of such statements. (Anselm, 2003, 54)

It would be a huge loss, if representatives of the church or of society were to expect Protestant theology and church to speak with one voice. Such an expectation would not only discount the pluralism that essentially characterizes Protestantism and that reflects the pluralism of the surrounding societies. Pronouncements by the church are primarily designed to uplift, encourage, and comfort. Only within the framework set by these purposes can they satisfy those who search for orientation. Such orientation encompasses on the one hand admonitions, on the other hand the exposition of robust ethical conflicts. Such orientation also affirms Christians' responsibility to develop their conscience and the necessity to face their personal failure in such conflicts. All of this is essential for a Protestant approach that places cardinal emphasis on man's principal inability to stand on his own before God.

That the church's offer of comfort and orientation requires theological reflection is self-evident. But the Protestant church should recognize and even welcome the fact that theological reflection is not primarily geared toward such a support function. It should also welcome the fact that such reflection primarily seeks to meet scholarly criteria of validity and excellence, which impose a greater distance from the church. Theology thus provides for the church a welcome resource for criticism of "Christian ideology."

Accordingly, theology and the Protestant church can speak with different voices in bioethical matters. The churches can see it as their primary task to offer a public service in warning or protesting whenever certain social trends

threaten conditions of human flourishing. Protestant theological ethics, by contrast, has the task to offer objective counseling concerning criteria for bioethical decision making. This is why the foundational[9] theological considerations concerning human dignity and the conditions for its relevance in bioethical discussions offered in the next sections, although surely oriented toward the traditions of the church, must be understood as genuinely, and therefore autonomously, theological.

The Impact of Different Anthropologies on Bioethics. A European Perspective on the General Character of What Is Specific about Protestantism

Hermeneutics, as well as discourse analytical research, reveal the extent to which specific scientific findings tend to be instrumentalized: already the seemingly harmless choices in theory design are usually shaped according to particular anthropological framework assumptions. Protestant theology in Europe, always open to instruction concerning penultimate issues, as in this case to instruction from discourse theory, cannot disregard such insights. Whoever is honest with himself, rather than simply proclaiming or blindly asserting, must concede that even the design of theological theories is influenced by certain taken for granted, implicitly normative assumptions, such as an optimistic or pessimistic outlook on history. Such hidden bias is operative in all religions and denominations. The same holds for positions of openness or hostility toward progress, for tendencies to prioritize either the individual or the community, or society, as well as for the acceptance or rejection of compromise.

In what concerns anthropological factual and normative presuppositions, many Protestant theologians are aware not only of their existing variety but also of their intrinsical theological relevance. Protestantism, like other denominations, starts out with the fundamental difference between the Creator and his human creatures. Nevertheless, Protestant theology has always emphasized that, while this holds from a human perspective, the incarnate God, in the interest of securing human well-being, can bridge this abyss through his self-revelation to man. On the other hand, most Protestant theologians also admit that man's ability to grasp what the divinely achieved bridge reveals is darkened by the mystery of human sin. Sin, after all, although having been overcome in its root significance, has not yet been overcome in its effects on man. Thus Protestant theology affirms of man's position vis à vis God that man is at the same time sinner and justified—*simul iustus ac peccator*. This strange paradox—and here I follow the classical work by Wilfried Joest (1955)—is traditionally resolved in the following way: considered in view of what man is by himself, he is in fact sinner (*peccator in re)*; considered however in view of the word of reconciliation that is not yet fully realized in its eschatological sense, man is justified according to hope (*iustus in spe).* Now

Protestant theology does not simply identify with a dogma that is verified only eschatologically. In spite of its affirmed hope for the Holy Spirit, this theology recognizes man as not yet having advanced beyond the state of being "peccator in re, justus in spe." This is why Protestant theology draws from this anthropological situation (of inescapable bias to basic framework assumptions) two conclusions.

For one, believing that Christians are called by God, this theology recognizes its obligation to offer responsible witness: "Be always ready to make your defence to anyone who demands from you an accounting for the hope that is in you" (1.Pet. 3:15). It is this sort of rational, communicative, and authentic witnessing in terms of which I define the concept of foundational theology. A foundational theological ethics in general and bioethics in particular seeks to transform the inner-theological discourses. It also seeks to render plausible the thought-provoking impact of the Christian viewpoint to people who do not share the language game and practice of Christianity. Such theology seeks to show even to outsiders that a Christian life is worth considering and worth living.

Secondly, to witness in an authentically and concrete manner means also to accept the fact that in questions concerning the conduct of life, that is in penultimate questions, normative or even descriptive unambiguousness is rare. Far too often the inescapable cultural patterns of life and implicitly normative anthropologies infect seemingly straightforward normative pronouncements. Too often also the functionally differentiated modern world is simply too complex for simple solutions. Moreover, too often ways of life and of acting within and outside of Christianity go to extremes that in turn are hostile to life.

Whoever holds Christianity, in its real history (other than, of course, in its message), to be exempt from these entanglements must surely be profoundly out of touch with reality. Instead, a self-critical and modest attitude are much more favorable to the project of rendering one's witnessing authentic as well as persuasive for others. Even, and especially when we may trust with our whole hearts and minds in God's valid word of reconciliation to the world, and in the sealing of his covenant in Jesus Christ, we can be open and receptive to the question whether the spirit of God, who has revealed himself conclusively in Jesus Christ, but who also blows wherever he wishes (cf. Jn.3:8), might also have left traces in traditions outside Christianity (cf. Barth, 1961).

The Impact of the Difference between the Ultimate and the Penultimate for Bioethics

In the previous section, the European perspective on Protestantism endorsed in this essay was characterized, first, by a creation-theological and hamartiological account of the abyss between God and man, second, by the

hermeneutic awareness of the influence exerted by implicitly normative anthropologies, and third, by Luther's doctrine of the two kingdoms. Given these presuppositions, it follows that in bioethics, just as in all other normative endeavors, the public's questions can and may not always be answered with unambiguous decisions. These questions, just as the medical findings and insights that engender them, are located only on the level of the penultimate. On that level, theological bioethics cannot simply claim to offer immediate theological analysis and guidance. To do so would mean simply to cut across the systemic rationalities inherent in the functional systems of medicine and science. Any such attempt would involve an illegitimate infringement and would betray a lack of theological discernment. The question about the moment when, biomedically speaking, human life begins is highly disputed already within embryology and developmental biology. Not only theological reflection but also philosophy of science considerations show that implicit preconceptions in view of the chosen framework of interpretation mould the derived conclusions. It does make a difference whether one looks at that beginning in terms of molecular or neurobiological science, or in terms of cell or evolution theory. And it does make a difference whether, within genetics, one's adopted set of metaphors concerns programs or systems. In the first case, one will identify the mystery of the beginning of life with the genesis of a new diploid set of chromosomes. In the second case, which is more complex, this conclusion is not so evident. Here it is, after all, not simply the code that contains in itself the potential for life and must therefore be protected (cf. Neumann-Held and Rehmann-Sutter, 2006). Here one may also consider the beginning of life even genetically as a highly complex process, during which certain genetic and epigenetic wirings depend on existing environments. Any change in these environments has a decisive impact. Under such a model, organic life, with the genetic code unfolding its efficacy only in combination with epigenetic environments, involves a series of developmental steps.

Depending on which framework for observation and interpretation one chooses, one will reach quite different bioethical results. But already the divergent claims to objective scientific truth underlying these results compete with each other.[10] It is important to note that such disagreements occupy already the pretheological space. Theological ethicists can claim no privileged access in these matters. Theologians should humbly recognize this.

A Reasonable Pluralism, Shaped by Christianity, Is Inescapable

Given the abyss between God and man that follows from the Christian account of creation and that has been aggravated by human sin, the assuredness (*certitudo*) with which Christians feel spiritually supported in moral matters must not be confused with a presumed certainty (*securitas*) of Christians'

pneumatological partaking in the inner life of the Trinity and of their resulting ethical competence. In the horizon delineated by Luther's doctrine of the two kingdoms, this implies that a reasonable pluralism is possible. This pluralism must, of course respect the standards provided by the European tradition of human rights. Only then is such a pluralism acceptable for a Protestantism that recognizes the *Menschlich-allzu-Menschliches* (of human finitude and limitation). This same recognition also makes it possible, not only to concede dark sides within Christianity, but also to recapture light, that is what promotes life, outside of the really existing Christendom.

Such two-fold concession does not render pluralism in peoples' conduct of life an end in itself. But this pluralism is also not denounced as a work of the devil. For Protestants, the criterion for the acceptability of positions to be accommodated within a legitimate pluralism is confident love of God and whatever is conducive to the life of the other. It is precisely this attitude that Luther affirmed with exceptional clarity in his programmatic work *Von der Freiheit eines Christenmenschen* (The Freedom of a Christian): Here he states that "A Christian lives not in himself, but in Christ and in his neighbour. […] He lives in Christ through faith, in his neighbour through love. By faith he is caught up beyond himself into God. By love he descends beneath himself into his neighbour. Yet he always remains in God and in his love […]." (Luther, 1957, 371) For most European Protestants, the attitude thus described identifies discipleship to Christ with responsibility for the world. At issue is to "Seek the welfare of the city" (Jer.29,7)[11]

These considerations will have made clear that a reasonable pluralism, unlike the "anything-goes" pluralism that is not what Protestants aspire to, renders dialogue compatible with steadfastness in one's position (cf. Küng, 1990, 123). For social ethics, and for a bioethics that is open to social theoretical insights, three consequences ensue.

First, and generally, on the level of foundation, the insight into the brokenness of all attempts to define what is human, what can be generalized, and what is reasonable implies that reason and faith cannot be flawlessly separated. They permeate one another. Beyond what is decreed by the minimal conditions of logically consistent ways of arguing in ethics, the transition between a moral pragmatics and ethics will thus be gradual. After all, even criteria for generalization, such as ethical principles, are nothing but very proven, and only therefore formalizable standards of behavior. They are no platonic ideas.[12]

From all of this it follows, secondly, and on the level between foundation and application, that a Christian ethics, especially from a European Protestant perspective, tends to converge with the general tradition of human rights and with the constitutions framing Europe's legal and social democracies. For Protestantism, and especially for Protestant bioethics, the concept of human dignity offers an excellent starting point. This concept has by now been recognized in diverse law of nations documents and constitutionally

safeguarded legal rights. To accept such a starting point is not tantamount to legitimizing only a very minimal standard. Instead, given the dependence of that concept on specific anthropological presuppositions, the struggle for public reason[13] in a reasonable pluralism presents an opportunity to further develop such rights. Nothing else, after all, happened in the European tradition of human rights: starting out with purely negative civil and political rights, these rights have come to encompass social claim rights during subsequent years. This development was inspired by the insight that the right to self-determination, which is most closely linked with the axiom of human dignity, can be realistically exercised only if individuals are guaranteed minimal standards that enable them to participate in the life of society.

The Protestant tradition, which conceives of man in analogy to the way in which it conceives of the faithful in the face of God, that is in terms of his freedom, is intrinsically committed to such standards. The internally theological concept of man as the image of God and of his justification through faith provides a foundation with reference to which the axiom of human dignity and the ideal of self-determination appear as a translation of that concept into the language of public reason. In order to perfect this translation, a further term can be engaged that is also accessible outside of theology, namely, the concept of incarnate reason (cf. Dabrock, Klinnert, and Schardien, 2004). This resource for rendering the theological basis of human dignity plausible in an also extra-theological sense has important implications for bioethics, which I shall address further down.

Protestant ethics, committed to assuming concrete responsibility (in the sense of Jer.29:7) for the way in which reason is publicly invoked, confirms in a critical and at the same time constructive manner the basic liberal axiom of the priority of the right over the good.[14] Especially after "September 11th," a new sensitivity for the complexity and the precarious nature of the relationship between the good and the right has developed. The stark borderlines that libertarians and communitarians had previously drawn between both concepts have been macerated. It has become clear: even the concept of the right presupposes particular visions of human flourishing, and even the commitment to justice requires the kinds of motives and resources for interpretation that usually are provided by worldviews and religions. To identify what is unjust, and thus to gain a starting point for devising standards of justice, often requires a reference to religious frameworks. For this reason, the political search for justice should indeed give much more space to the particular language games provided by religion than was deemed feasible some while ago.

Nevertheless, once such input affects the law, the canonical secularity achieved as a result of a number of historical catastrophes in Europe's religious wars must be secured. A world-view neutral language must be employed both for law making and for adjudication. Such recognition of the

need to eventually relegate theological language games to the background should not be considered objectionable by Protestant bioethicists. They should accept such loss of direct theological meaning on the legal level, because indirectly no loss is incurred. The constitutionally guaranteed autonomy of the individual, after all, respects that very human dignity that in turn presents a secular development (to be welcomed even as such) of a basic principle of Protestant ethics. One could also say: in order to secure their own free space, and to keep the law from directly infringing on that space, the religions must also be prepared to grant such free spaces to others, and to abstain from wishing to religiously regulate society in any direct manner. One needs to draw responsible distinctions without thereby imposing an absolute separation.

Protestant bioethicists wishing to influence decision making in biopolitics must therefore distinguish between politics and ethics and between ethics and the law. In the light of their creation-theological and hamartiological insights they recognize that such distinctions can never be flawlessly drawn. Yet as foundational theological bioethicists, they respond to their faithfully asserted divine task by cooperating with a human rights–oriented society and its legal culture so as to secure the conditions for human flourishing for all.

This implies, thirdly, and on the level of application, that European Protestant bioethics, as intrinsically engaged in shaping public reason, in certain cases declares compromise as politically and even ethically legitimate. Before we can define the criteria for such legitimacy it is necessary, in order to avoid misunderstandings, to stress that Protestant bioethics is not exhausted by such compromise. As will become clear in the following section, such an ethics must firmly stand by its own positions and ground these positions in its own cultural linguistic framework. At the same time, however, foundational theological bioethics, as understood in this essay, presents a ready approach for dialogue. In entering the forum of public reason, it seeks to render its own position plausible to outsiders. It recognizes that any assumption of concrete responsibility boils down to a particular way of solving the dilemma of all human action, that is to prefer engaging in a step toward what one faithfully holds to implement discipleship, rather than abstaining from such a step merely in order to secure one's own moral superiority. When it comes to moral pragmatics that are not unambiguously separable from ethics, such a bioethics can therefore not refuse all compromise. This is especially the case because compromise may open up a larger space for action in the interest of societal stability, which in itself constitutes an ethically important intermediate goal. But of course such an intermediate goal does not replace the final goal: not every compromise can thus be ethically justified.

In addition to certain minimal conditions that concern procedure,[15] an ethically acceptable compromise must also take account of fundamental legally protected interests and rules of action. In general ethics, social ethics,

and constitutional law, it is generally accepted that respect for and protection of human dignity is of central importance when it comes to complementing the formal conditions of respect with its indispensable material implications.[16] Yet the relevance of this fundamental norm is invoked not only in view of the status of earliest human life. This relevance is also invoked for the protection of health (as guaranteed by constitutional law) and for freedom of research. Both rights may be limited only in cases where they collide with other fundamental entitlements or legally protected interests, as included in the constitution. In cases of such materially different claims to what implements respect for human dignity, it is not only the tradition of Kantian ethics but equally the tradition of human rights that emphasize the defensive aspect of that dignity over interests on others. Accordingly, the fundamental rule of action requires that no bearer of human dignity may be totally instrumentalized for the sake of other (even high ranking) purposes (as e.g. the protection of health that is expected to profit from research on human embryos). That is to say, an ethics of healing (that is based on moral and legal claim rights) cannot be implemented in a way that disregards basic defensive rights to which a bearer of human dignity is primarily entitled.

Intermediate Summary

Whoever takes the existentially and socially relevant problems of life and death noted above seriously cannot agree with the way in which theological ethics has recently often been limited to a distanced description that keeps clear of normative claims (cf. Fischer, 2002). Equally unsatisfactory is the other extreme, when theologians restrict themselves to the internal language of their church and simply celebrate it as tantamount to public language. Such theologians refuse to face the challenge presented by non-church–based language games. As a result, they simply engage in constructing immediate divine commands (cf. Hauerwas and Wells, 2004). Neither of these approaches, the distanced observation just as the dashing demands proclaimed within the internal public of the church, adequately accounts for the complexity of the modern world in its functional differentiation and world-view pluralism. That complexity of life orientations, after all, has taken hold of Christian individuals and communities themselves.

In a situation that is characterized by confusion and uncertainty, it becomes necessary to attend to and reflect upon that which methodically should encompass and ground both the restriction to mere observation and the determined proclamation: discernment. Observing, after all, in itself amounts to establishing differences,[17] and the will to differentiate, after all, lurks behind all proclaiming. Moreover, although ethics cannot simply be identified with morality but offers a reflection on morality (cf. Luhmann, 1991), this does not commit it to proceed in a purely descriptive manner. It therefore makes sense to conceive of ethics, and in particular of theological

ethics, as a resource for differentiating. In the very act of observing and distinguishing between other actors and observers, as well as their explicit and implicit criteria, such an ethics must also take account of its own patterns for orientation. In addition, it must expose even these patterns to the quest for public reason. Such a theological ethics thus investigates its own relationship, whether conceived in terms of preserving or transcending, to its intrinsically guiding criteria. It tries to offer a reflected upon witness, not only within the framework of the church but also in confrontation with the public, to the faithfully affirmed fact of God's undeserved turn to man. This is why theological ethics must be public theology and must strive for "the best of the town" (Jer.29:7).

II. "INCARNATE REASON" AS BASIC CATEGORY FOR HUMANS' SPECIAL STATUS

Given the foundational theological approach, and given the project of understanding the extent and limit of theological arguments within the societal discourse, as described in the first part of this essay, the second part takes another look at the concept of human dignity. As in the first part, this concept is related to man's being made in the image of God and to man's justification through faith. But now the issue is to show how and why this axiom can be rendered plausible even outside theology by being translated into the concept of "incarnate reason." How can the special status of man[18] be rendered accessible both within and outside of theology, thus serving as an invitation into a dialogue between those inside and outside Christianity? The subsequent third part offers two examples (concerning bioethical conflicts that involve the beginning and the end of the life of human beings) that highlight the concept's potential to support the needed efforts at differentiating.

Man as Image of God—Conceived in Terms of the Hermeneutic Category of Justification

The legal culture of the European continent, irrespective of its secular character, identifies human dignity as a *topos* that is unconditionally accepted when it comes to conceptually framing the generally recognized need to protect and respect every human, merely as human. Other legal cultures might find other grounds for this need, but the basic idea is always the same: humans must never be abused merely as means for a purpose and thus be humiliated.[19] As this second part argues, the controversy concerning the proper foundation of the (generally accepted) unconditional obligation to respect human dignity presents an issue where foundational theological bioethics can help.

In view of dogmatics, many Protestant theologians are willing to let themselves be inspired by Scripture as the principal source of their faith. They

thus refer the concept of human dignity, along with the obligation to unconditionally respect that dignity, to the *topos* of man's being in the image of God (cf. Dabrock, Klinnert, and Schardien, 2004, 72–81). They usually quote Gen. 1:27. If one also integrates various doxologies in the Psalms (e.g., Ps. 8, 139), one finds this *topos* as expressing the conviction that God is praised because he chose man as his partner in a covenant. The privilege of being in the image of God thus consists in the fact that God himself addresses man (cf. Schardien, 2004, 72–108). This "having been addressed by God" then is taken to ground man's special position of responsibility in view of other creatures. Moreover, this faithfully affirmed fact of God's address establishes, first and foremost, the equality of all humans. In pointed contrast to other image conceptions, as affirmed by other Middle Eastern faith traditions, God's address not only concerns the ruler but also in a democratic way extends to all humans. From this it has rightly been concluded that the dignity of being in God's image is not contingent upon any specific properties or achievements. For theology, being "in the image of God" means, first of all, as a human self, being a response to the being addressed by God, and then also being allowed to lead one's own life—irrespective of what properties this response shows and which cognitive level it realizes.

All of this holds independently of what kinds of properties one's response assumes and what cognitive level it reaches. Man's being in the image of God thus partakes in the mysterious character of God himself. It cannot be denied that this biblical and systematic theological insight has often failed to frame Christians' behavior. This failure however does underline the need to use the Scriptures as a critical resource in view of how Christianity, church, and theology are implemented in practice.

Quite a few Protestant theologians take the "gospel of the justification of the Godless" as christological and soteriological endorsement of what creation theology affirms about man's being in the image of God. The idea of justification, after all, highlights both the unconditional character of God's acceptance of man and the gift character of this event. Although this is correct, one should still not forget that the justification itself becomes effective only through the faith, which in turn takes place only *mere passiva* and requires no natural property or capacity or membership in a particular ethnic or historical group. Thus, it may be that the *topos* of justification is useful for emphasizing the basic idea that man's dignity does not hinge upon any (deserved or pre-given) properties or capacities. Still, that *topos* introduces new systematic-theological complications. For either one runs the risk of compromising the universality of man's being in the image of God, because the justification extends only to believers, or else one compromises the specific function of faith by conceiving of justification in an indiscriminatingly universal sense and without integrating man's faithful response. All of this is not to deny that the doctrine of justification can open up a deeper meaning in the unconditional character of God's turn to man. But it is necessary to

point to the hermeneutic problems of this soteriological heuristic in view of the creation-theological statement.

The Protestant proclamations of man's special status, whether framed in terms of creation theology or soteriology, have been characterized by Wilfried Härle as "transcendent-relational" (2005, 370–3). Härle's own transcendently relational account underscores the undeserved nature of God's turn to man, and thus a fundamental communicative recognition, which transcends all immanent attempts at grounding human dignity. A later section (2.3) will address the question whether, at least when it comes to rendering protection of that dignity plausible, it might not still be necessary to invoke properties (not in order to ground human dignity but in order to provide the required interpretation of what is signified by that term).

Embodiment as Conceived by Theology

In order to establish incarnate reason as a basic category of a foundational theological ethics, we must first theologically reflect upon the question whether the dimension of embodiment can be internally related to the transcendently relational account of man sketched above. If it would turn out, after all, that already within Christian theology the body is confronted with a dis-embodied or even body-hostile reason, and thus disparaged, then there would be no point in trying to render the link of man's special status with his body plausible to those outside theology.

A self-critical look at the history of Christianity makes clear that some periods and proponents showed indeed a marked hostility to the body. Still, I want to offer three indications for the fact that in traditions that have framed Protestant theology the body has been conceived as forming an integral part, nay, even the essence of man's transcendently relational existence.

(1) In what concerns the Old Testament, irrespective of all methodological problems inherent in the so-called stereometric approach,[20] that approach firmly opposes any disregard of the embodied dimension of man's special status. Wherever any specific aspect of human existence is considered, whether it is *nepesch (soul)*, *ruach (spirit)*, *lev (heart)*, or *basar (flesh)*, it is always intrinsically linked with the whole of man: Man does not *have* a soul; in a very specific way man *is* soul, desire, finitude, etc. In each case the whole of man is addressed.

(2) In the New Testament, the indubitably central text, the 15th chapter of the first letter to the Corinthians, conceives of the resurrection of the dead pointedly not in terms of the immortality of the soul, but as a bodily resurrection (cf. Janssen, 2005). This again makes clear that what counts in the face of God is the individual's life and that this life presents not only a passing stage for a trans-individual formative principle.

(3) Even the anthropological shorthand of Reformed theology mentioned above, the *simul iustus et peccator*, envisages man as a whole and not only the allegedly lower faculties of the soul in view of their utter corruption as liable for the eschatological promise. For an evaluation of human embodiment, this implies, at the very least, that a Reformed soteriological perspective is incompatible with an anthropological hierarchization of the faculties of the soul, which could invite a dichotomy between body and soul in the sense affirmed by Cartesian philosophy (cf. Joest, 1967).

These three short references offer preliminary evidence for the conclusion that the body as a whole is viewed in a differentiated, but at the same time always holistic manner. It is not only reason, or whatever other name one might choose for man's higher faculties, which constitutes the transcendently relational vocation of man as a being that must be protected.

The Indispensability of the Distinguishing Category of Reason

But can these theological considerations concerning man's special status and his embodiment be rendered compatible with the philosophical way of conceiving that status in terms of man's rationality? On superficial survey the answer is: no. Our theological adoption of a transcendently relational foundation for man's special status, after all, has rested on a decision to disregard, even transcend qualifying properties. Theological anthropology rests on a commitment to envisage that status as constituted by God's own address of and claim on man alone.

Proponents of such an anthropology will however—in the service of its mission and for the sake of secular society—be ever ready to enter the field of extra-theological discourse. On that level, they must conceptually reframe that transcendently relational grounding. Such re-framing happens not on the ontological level but occupies the secondary level of public reason (cf. Rawls, 1993, 212–54). It is here that even a transcendently relational approach cannot avoid invoking certain properties a bearer of human dignity must have. After all, without such properties that can be ascertained quite independently of faith concerning man's being essentially in the image of God, nonbelievers could not recognize man's special status or impose limits on humans' ways of dealing with one another.

There are many different candidates in this regard: freedom, self-determination, spirit in the world, reason as what enables man to act in a morally autonomous way, and so on. Already that very multiplicity might be taken to suggest that man's special status is recognized even outside of theology. In opting for reason as secular placeholder for the theological insight into man's special status, I am not necessarily limiting myself to a Kantian horizon. Yet given our ingrained (continental European, and in particular German) literary and philosophical language games, that Kantian horizon is

particularly plausible. It connotes man's capacity for entering into a reflecting and moral relationship with himself in view of his use of symbols as what secures man's privileged position vis à vis other living beings.

But in order to secure its categorial utility in view of a foundational theological bioethics, reason must be linked with the more encompassing theological concept of man's transcendently relational vocation. This requires two tasks. On the one hand, reason's exposure to empirical evidence concerning its presence or absence in any particular human being must not be allowed to undermine theology's pointedly universal thrust of emphasizing God's loving turn to man, regardless of intellectual capacities. On the other hand, that same theological universality must not repudiate the relevance of reason as man's distinguishing feature. Can we straddle both sides?

The Fact of Incarnate Reason—A Question Concerning the Burden of Proof

In my view, it is the epitheton of "incarnate," which makes it possible to modify reason's relevance for grounding man's special status in the required manner. The concept of incarnate reason renders the crucial insight into man's transcendently relational vocation (the theologically defining feature of man's being in the image of God) accessible to public reason. It does so without thereby renouncing the plausibility resources that are provided by the concept of reason as such (that is secularly recognized as grounding man's special status). Why?

Embodiment links reason as the *proprium humanum* not only externally, contingently, but also intrinsically with a body that is in principle (constitutionally) open to social interpretation. Such a link could of course not be established on the basis of the Kantian philosophy itself. One of the central presuppositions of that philosophy (as of all idealistic philosophizing) is, after all, that the realm of nature (the body, embodiment) must be conceptually separated from the realm of freedom (reason). This is why it must immediately be clarified: while surely, systematically speaking, both realms must be distinguished, nevertheless—despite all speculative models—we know the realm of freedom only as an epiphenomenon of the realm of nature.[21]

Even Kant himself conceded that blind spot within his argument, that is its not in turn justifiable recourse to a "fact of reason" (Kant, 1996, 164). We know this fact only as a fact of embodied reason. Whoever doubts this, will have to tackle the evidence of physiological science, according to which not only neuronal but even hormonal circuits provide the physiological basis for what we subsequently interpret as what privileges man. Theoretically, to be sure, such a physiological approach makes it conceivable that other living beings could also generate such privileging characteristics. Other living beings, if they can be shown to develop analogous capacities of reasoning, would have to be similarly protected. Nevertheless, the momentous consequences

that are at issue here, that is those human rights to which every human is entitled already on the basis of being human, suggest that such counterarguments against the proposed construal of the "fact of reason" as a "fact of incarnate reason" bear the onus of proof: any one claiming that any animal is able to reason the way humans are must render that analogy plausible. It is this placement of the burden of proof that I wish to establish here, and this is no small achievement for the bioethical discourse.

Conversely, the decision to take the fact of incarnate reason as starting point does not by itself imply an endorsement of a "speciesism," which has also been denounced as racism (cf. Singer, 1993, 55–62). First of all, we are not talking about any claim that seeks to distinguish a particular species *as* species. The issue is instead an effort to turn validity claims on their heads: it is claimed that

- what is believed within theology concerning man's being addressed by God is independent of any individual's respective capacities,
- this same being addressed, when it comes to entering into discourse with those outside of theology, was to be framed (in a shorthand and provisional manner) in terms of reason, and
- this reason is knowable in no other than an embodied manner. Once the philosophical objections to the connection between embodiment and reason have thus been taken care of, the foundational theological project (to engage the secular philosophical discourse) can now be pursued. We must clarify in what sense the concept of incarnate reason can indeed bridge the gap between theological (i.e., transcendently relational) and philosophical (i.e., reason theoretical) criteria for privileging man.

Embodiment provides the conditions not only for activity but also equally for perception, reception, passivity, suffering, becoming and disappearing, finitude, infirmity, and vulnerability (cf. Waldenfels, 1994, 463–538). This is why this concept suggests an understanding of humanity not only in terms of a development toward rationality but also of a diminishing or defective self-consciousness. It has already been shown that whoever refuses to link man's existence as well as his privileged status with man's embodiment bears the onus of proof. On the other hand, whoever recognizes that essential link can avoid all those utilitarian questions, which in today's world can no longer be silenced. Such questions deal with issues such as why even earliest stages of human life, or even the severely handicapped, should be recognized as bearers of human rights, and why this should happen unconditionally, and not merely because of a feeling of solidarity or because of any expected greater good. Once one has opted for the criterion of incarnate reason, one needs no longer to focus exclusively on actualized reason, but one can include potentiality, history, and social integration. This criterion thus allows one to include human beings, who in their actual state deviate from man's normal level of realized rationality, within the realm where

unconditional protection is offered. Thus, it becomes possible to maintain the universal sense in which the transcendently relational model for conceiving man's being in the image of God encompasses all humans, without finding oneself forced, when turning to the level of rendering that criterion secularly plausible, to renounce the cognitive content of a property like reason. What are the consequences of such an account for bioethical conflict solution?

III. IMPLICATIONS OF AN INCARNATE REASON IN ITS THEOLOGICAL INTERPRETATION

Bioethical Distinctions Undertaken with the Help of the Basic Category of Incarnate Reason

The main advantage of the bioethical basic category of incarnate reason, so it has turned out, lies in its function for entitling all human beings in all phases of their lives to the protection that comes with being recognized as bearers of human dignity and human rights. The distinction between being human and being a person in the philosophical sense of the term is therefore irrelevant for protective standards. This basic category also confirms the famous and at the same time notorious formulation of Germany's constitutional court according to which "wherever human life exists, it bears human dignity; it is not decisive whether its bearer is conscious of that dignity or knows how to preserve it by himself. The potential capacities which from its beginning are inherent in the being of a human are sufficient for grounding human dignity" (Bundesverfassungsgericht, 1975). This formulation, however, attains its ontological and ethical plausibility only if one interprets it like this: not every form of human life, and thus for example not that form of life which exists only in cellular form, merely as such (i.e., independently of the organismic unity in which it can develop as a human), has to be recognized as human life. Instead, such recognition concerns only the organismically developing human life, that is the human being. Since recognition of the other as other is to be granted from the very beginning, there is no transition from "something" to "somebody" (cf. Spaemann, 2007). To protect such a "somebody" from its very beginning as a mystery of beginning seems to correlate in a consistent manner with the basic idea of human dignity, which is attributed or recognized in an equally unconditional manner.

Given these considerations, many might be tempted to conclude that unconditional protection of human life ought to extend to the moment of fertilization, because with fertilization a new human being begins to develop in its individuality.[22] On this hypothesis, the criterion of incarnate reason would reach the same result as traditional Roman Catholic ways of arguing. Of course, that result ensues only if the mystery of the beginning of human life, as qualifying for recognition as human, is scientifically reconstructed in terms

of the program metaphor. From this viewpoint, it must appear ethically quite irrelevant that the new genome can still divide itself and that its survival is still extremely improbable. To consider such risks ethically relevant would, on the basis of this argument, involve one in the fallacy of concluding from what is to what ought to be. Yet, these same risks do play a significant role in the moral intuitions of many people. After all, the project of extending unconditional protection to an assembly of cells, and extending it in the face of lacking protection for even developed fetuses when it comes to abortion (e.g., in Germany), is experienced by many as quite implausible. We should take that difficulty seriously. It might be that the radical abstractness of the view that unconditional protection should begin with fertilization, and the deductive rigor with which what holds for humans after birth is claimed valid for the earliest stages of human life as well, disregard normative sensibilities that are very important for morality and ethics.

Given these difficulties of an account that rests on the metaphor of the genetic "program" inaugurated with fertilization, it might be that an account that engages the system metaphor is intuitively more plausible. Here the mystery of the beginning of human life extends to the whole process of its early development. Unconditional protection thus is imposed only after that process has stabilized itself, that is with nidation. Even here, of course, one must set aside the cases of conflict between mother and child that may lead to an interruption of pregnancies. But even this alternative does not imply that in vitro embryos can simply be used for any purpose. Such embryos are not simply a biological substance. They would not exist if they had not been produced. Once transplanted into a uterus, they would have the potential to develop into human beings. Such embryos indeed possess an irreducible relationship to man as to a being that depends on bodily development, even if that relationship is only an extrinsic one. One may not play with them. But whether they are entitled to being implanted, just because other humans have brought them into existence (whether as parents who offered their gamets or as physicians or biomedical technicians who offered their expertise), is doubtful. Their beginning, which ought to be appreciated and valued as a mystery, on account of its being conceived in space-metaphorical terms as a spaciotemporal threshold (rather than as a simple cut), is not completed before nidation.

Here as well it becomes clear how difficult, even impossible, clear-cut definitions are. Still, for the debate within society and within the Christian communities, it would be very helpful if this difficulty were recognized. Any bioethical position on how far to extend the unconditional protection of human life runs into problems as soon as one tries to coherently relate theological foundations (in this case: man's character as image of God and as justified by God) to what is plausible in the public forum (in this case: incarnate reason) and to the requirements of empirical identifiability (in this case: either the program model that privileges fertilization or the system model

that privileges nidation). Any such pursuit of coherence involves attempts at combining disparate elements, which permit no unambiguous, let alone deductive, decisions.

Given such conflicts which defy attempts at bioethically foundational solution, it makes sense to resort to the kind of compromises introduced above. This implies opting for procedures that keep those conflicts somewhat manageable, although still leaving space for scientific research. Take for example research in cloning that pursues the goal of developing therapies. According to the standardized procedure, which was also used for reproductive cloning in the case of the sheep Dolly, a normal, so-called adult cell is introduced into an egg cell whose nucleus has been removed. This allows to produce an embryo that will subsequently be destroyed in order to extract embryonic stem cells that are genetically identical with those of the donor of the adult cell. This procedure is seen as problematic mostly because of the wastage of embryos—even though many scientists and ethicists argue otherwise. Another procedure however, the so-called altered nuclear transfer (ANT), is more acceptable. Here the material environment for the beginning of human life has been manipulated such that the developing life no longer becomes a human being, as organismic unity that qualifies as bearer of an incarnate reason. The resulting cells could no longer be implanted into an uterus. Yet embryonic stem cells can still be extracted. Such a procedure, which is being developed by the developmental biologist Hans Schöler, could render freedom of research once again compatible with the principle that every human beings' life must be protected. Its ethical legitimacy can be asserted because the category of incarnate reason permits to distinguish human life in the sense of an organic unity, that is the life of a human being, from bodily substances inherent in human life, which, although they surely ought to be treated in a respectful manner, still do not require the protection that is grounded in incarnate reason (cf. Dabrock, 2004; Hurlbut, 2004, Siep, 2004). Once further research concerning the so-called induced pluripotent stem cells[23] will have resulted in procedures that can realize the important goals presently pursued by using embryonic stem cells, but without involving these cells any more, then even the remaining problems that some people see in the ANT procedure[24] will have been overcome.

In either of the two possibilities of conceiving the beginning of human life, the category of "incarnate reason" makes it clear that such life must be protected. This category is sufficient to foreclose any instrumentalization of human beings. Nevertheless, since the ability of each of these conceptions to achieve general plausibility and to specify methods for empirical substantiation remains contingent on particular socially endorsed normative assumptions, that beginning cannot be unambiguously defined. The resulting ethical disagreements therefore must be addressed in terms of a political compromise that leaves room for further scientific developments that may eventually render these disagreements obsolete. Perhaps, it can be attributed to the

intense social debate about these issues, that during the last years research has been designed in such a way as to not compromise respect of the beginning of the mystery of human life and that this research in the end came to focus more on adult stem cells, on ANT and induced pluripotent stem cells. This success may serve as evidence for the claim that such compromise, both in its presuppositions and in its development and realization, does not necessarily have to be trivial but can be acknowledged as substantial.

The basic idea behind the protective category of incarnate reason was that what (secularly) constitutes man's special status, that is reason, is subject to different stages of realized presence. This idea also allows one to differentiate between relevant features in conflicts concerning the end of life, especially in the debate concerning the extent of authority granted to advance health care directives that anticipate a later incurrence of dementia. Such living wills make sense if they anticipate situations in which a person loses all capacity to express his will, as for example when he has entered into a persistent coma. But dementia merely causes a loss in cognitive orientation. This does not imply an entire loss of the ability for self-determination. Self-determination here has merely shifted from cognitive ways of expressing itself to affective or emotional ways. It is these ways that the category of incarnate reason permits to integrate into the realm where protection is safeguarded. Consider the recent decision of Germany's former National Ethics Council. It was recommended that under certain formal conditions living wills (decreeing e.g. that in the case of the signatory's suffering from dementia all life saving medical interventions must be omitted) will be given preference over the demented patient's own "signs of a will to life."[25] On the basis of the argument offered in this essay, such a decision is plainly unjustifiable. It involves a highly problematic judgment concerning the patient's quality of life that is incompatible with the category of incarnate reason. An engagement of this category, just as traditional medical ethics, will always guarantee that a patient's present evaluation of his situation, even if this evaluation is offered only in terms of affective bodily gestures, trumps any previous assumptions concerning how he would feel in the anticipated situation he now in fact experiences.[26]

Conclusion

As the examples just invoked make clear, the basic category of incarnate reason accomplishes two tasks. First, it offers a privileging criterion that on the one hand provides a content that makes clear why humans ought to be respected as bearers of human dignity and on the other hand guarantees that no human being is disqualified on the basis of an inadequate realization of what that criterion requires. The category of incarnate reason thus allows us to understand what we mean by dignity while safeguarding against any attempts to limit that dignity to "persons" in the full (rational, morally responsible) sense

of the term. Second, that category allows one yet to differentiate between mere human life and the life of a human being, as well as between narrowly rational and generally expressed autonomy. It thus contributes to a better appreciation of bioethical dilemmas. Third, that category makes it possible to project inner-theological concerns onto the level of public reason. It also illuminates the relationship that holds between theological morality and secular morality: so what is the role of theology in all of this? Can the category of incarnate reason do its job really independently of theology, by merely presenting a phenomenology of embodiment? In his famous article on anthropology entitled "Humanity in Correspondence to God" Eberhard Jüngel demands that every statement of a theological anthropology, and thus, so we may add, also of the ethics that is grounded on such an anthropology, must be translatable into a statement of a nontheological anthropology (Jüngel, 1989, 126). The category of incarnate reason here provides the needed bridge. It is plausible even outside of theology, insofar as its meaning could be reconstrued in terms of a phenomenology of the body. Moreover, as Jüngel also pointed out, such bridging is indispensable: as systematic theology has ever affirmed, one cannot do without theology. The transition from theological to extra-theological ways of speaking also involves a transition from the consoling clarity of the gospel to the existential ambiguity of the sphere of the law. In other words, the reference to the ultimate, that is the gospel of the salvation of the God-less (Rom 3:21–28) offers a motivation and an interpretation of the meaning of life and human finitude. It establishes a communicative reference (to God and to one's neighbor), which all humans seek when they are confronted with the suffering on which bioethical reflections focus. None of these desiderata can be provided within the sphere of the nonreligious, because that sphere cannot access the sources of ultimate consolation.

Looking back at this European sample of how a Protestant bioethics defines its role, one may note several specific characteristics. First of all, even within a foundational theological approach, this Protestant bioethics was conceived not as independent of, but instead as placed in the very midst of its secularized societal environment. The need to respond to this environment is thus seen as one of that theology's defining features. Secondly, this bioethics frames its orientation to its nontheological surroundings in terms of Luther's doctrine of the two kingdoms. Assuming responsibility within secular society thus can be seen as Christians' genuine mission. Third, the Kantian philosophical, and purportedly secular, endorsement of human dignity is recognized as resting on a certain commitment to unavowed moral principles that in turn derive from Christianity's tradition. This is why it made sense to recapture the Christian roots underlying that endorsement and to restore the incarnate context for that reason, by reference to which Kant argued that human autonomy and human rights must be unconditionally respected and protected. As this one example of a German Protestant bioethics teaches, neither is Christianity in Europe limited to the merely Christian language

games of inner-church communications nor does secularity have to be seen as unambiguously alien to the Christian roots of European culture. Perhaps it is this felt continuity that makes it so hard for the post-traditional majority of Europeans to see the need to explicitly affirm Europe's Christian cultural roots: they see these roots still operative in what they construe as mere secularity.

NOTES

1. Proponents of this position run the danger of theologically criticizing those very achievements of modern medicine which they nevertheless make use of in their pursuit of good health, thus in practice belying their theoretical opposition.

2. As will become clearer as my argument unfolds, this essay enters into critical discussion with Corinna Delkeskamp-Hayes' summarizing and at the same time interpreting introduction to the first *Christian Bioethics* issue that was devoted to specifically European approaches. The way in which she draws the line separating Christians from "post-Christians" suggests that the acceptance of secularity and pluralism is incompatible with robust Christianity. The present essay disputes that claim: both characteristics of modern societies can be accommodated within a Christian approach that seeks to engage the world rather than to stay clear of it.

3. This understanding generated intensely disputed theories, such as Max Weber's contested claim that Calvinism to a considerable extent favored deducing a person's chances for salvation from his professional success and that this provided a crucial motive for modern capitalism.

4. To be sure, within Protestantism it is highly contested whether the worldly order, or, to use more modern terms, the different rationalities of the several functional systems, must be appreciated already in view of their very existence or whether that appreciation has to orient itself mediately or at least in an immediate sense in view of the gift of the Gospel. In the first case, the resulting ethics has a system-stabilizing function, and in the second case, it will impose a rather more critical attitude regarding the respectively dominant value assumptions (cf. Berner, 1997).

5. The attempt to establish such a derivation, after all, never did justice to the genuine concerns of nontheological areas of social life. Even Karl Barth's assumption of "the kingdom of Christ" could not entirely avoid that problem; compare Barth (1960).

6. An example can be seen in Werner Elert's version of the doctrine of the two kingdoms; compare Elert (1965).

7. This was the motto of Pietism.

8. This is why man's conscience has been conceived in most Protestant circles as a trans-moral organ of faith. When Protestants therefore invoke their conscience in addressing moral questions, they are not positing conscience as a moral authority. Instead, they refer to the fact that the validity of general moral norms is limited by an identity that is constituted by a faith that responds to God's call. In this sense of an ethics of identity and responsive freedom, we can also agree with Luhmann, when he maintains that "the most pressing task of ethics is to warn against morality" (Luhmann, 1991, 90). Accordingly, Protestant ethics does not intend to serve as a Christian norm producer. It offers instead a basis for critical and self-critical moral communication in a complex world, conceived in terms of the doctrine of the two kingdoms as outlined above, and disclosing a number of options that agree with this approach.

9. Agreeing with Schüssler Fiorenza (1984), I prefer the term "foundational theology" to the more usual "fundamental theology." Whereas the latter suggests a foundation that is not only materially but also methodically secure, Schüssler Fiorenza takes the former to signify the methodological model of a wide-reflective equilibrium. For a more detailed exposition of my conception of foundational theology, see Dabrock (2000).

10. The resulting hermeneutic problem has been repeatedly exposed by—for example—Köchy (1998, 41–59).

11. Compare no. 11 of the Leuenberg Agreement that, after centuries of mutual doctrinal condemnations, re-established the inner-Protestant community of churches: "This message sets Christians free for responsible service in the world and makes them ready to suffer in this service. They know that God's will, as demand and succour, embraces the whole world. They stand up for temporal justice and peace

between individuals and nations. To do this they have to join with others in seeking rational and appropriate criteria and play their part in applying these criteria. They do so in the confidence that God sustains the world and as those who are accountable to him." (Leuenberg Agreement, 1973) Within Germany, the *Evangelische Kirche in Deutschland* memoir of 2008 confirmed this position: "The Christian faith thus implies a fundamental acceptance of the world as God's world and as world in the face of God. It is for the sake of God and of humans that Christians assume responsibility for the world: in the light of their relationship to God they question and shape the reality in which they live, of which they form a part, and which they also confront. They recognize in the world, apart from all its disruption and in spite of the reality of sin and evil, God's good creation, which was entrusted to man and for which man as the image of God has a special responsibility. The church's authority in proclaiming its position in view of political and societal issues is understood by the church as resting on its divine calling towards proclamation and mission. This is why the church is not only entitled but even obligated to render the message she is endowed with as encompassing and as generally accessible, and thus as public, as is necessary in order to secure accessibility to that message for all humans and nations and in view of all areas of life." (EKD, 2008, 19f).

12. Compare Dewey (1996, 141): "A moral principle . . . gives the agent a basis for looking at and examining a particular question that comes up. It holds before him possible aspects of the act; it warns him against taking a short or partial view on the act. It economizes his thinking by supplying him with the main heads by reference to which to consider the bearings of his desires and purposes; it guides him in his thinking by suggesting to him the important considerations for which he should be on the lookout. A moral principle, then, is not a command to act or forbear acting in a given way: it is a tool for analyzing a special situation in its entirety, and not by the rule as such."

13. Compare Rawls (1993, 212–54). The term "public reason" is here understood as the attempt, in starting out from different world view positions, to develop an overlapping consensus of societal patterns for orientation. This essay cannot address the further questions, such as to what extent such a project requires strategies for universalization and in what sense even such strategies depend on historical givens and presuppose criteria for validity that derive from particular moral patterns for orientation (cf. the more extended treatment in Dabrock, 2004, 19–56; 2007b).

14. This axiom was used especially by Rawls (1993, 173–211) when he argued that in a world-view plural society all the existing comprehensive doctrines, and among them the religious ones, can secure public attention only by framing their message also (but of course not exclusively) in the language of public reason.

15. The catholic social ethicist Gerhard Kruip developed criteria for ethically justified compromise in view of stem cell import in 2002 (Kruip, 2003, 133–49). These require that (1) the debate concerns goods of approximately equal rank, (2) their balancing has been seriously considered and debated, (3) a decision between them is urgent, (4) the proposed decision does not simply implement the interest of established powerful groups, (5) the expected moral burden is fairly distributed (see above), (6) nobody is personally forced to commit actions which he cannot morally approve of, and (7) the solution can be accepted in the sense of temporarily opening spaces for action, rather than quasi automatically leading to a trivialization of ethical positions. Conversely, a compromise must in principle be kept open to revision, indeed, is in need of revision as soon as its foundation has changed.

16. This foundational norm is usually unfolded in terms of human and fundamental rights, or through the granting of the so-called capabilities. Human dignity itself is not a fundamental right, but the basis and limit of all fundamental rights.

17. Compare Luhmann (1995, 36): "observation means nothing more than handling distinctions."

18. I restrict myself here to the special status of man, as recognized within human society. The further question concerning man's status in view of animals cannot be addressed within the framework of this essay. It proceeds under the assumption of a prima facie common sense based acceptability of man's special status in society. But of course, this special status extends not only to rights but also to duties. My point is to investigate how those who proceed from a theological perspective can enter into a dialogue about this issue with those who do not.

19. On the conceptual reconstruction of this *topos*, especially within the Kantian tradition, compare Schardien (2004, 57–115).

20. Compare Landsberger (1968, 17f.), Wolff (2002, 21–4), Janowski (2005): "Stereometry" is the overlay of images and motives that not only enhances the concreteness of special statements but also subjects them to a multiplicity of perspectives (thus, as it were, "exploding" their meaning). Words and texts are thus rendered semiotically transparent to one another, thus disclosing one another's meaning (by opening up semantic spaces). Applied to Old Testament anthropology this implies such stereometric

thinking "defines man's area of life in terms of characteristic organs, thus describing man as a whole." On a conceptual level, this wholeness also envisages talk about the complex and differentiated unity of persons for whom, since "the body . . . anchors us in the world" "not only the sphere of life but also the sphere of social relationships is consitutive" (159–60).

21. This is not to say that what is affirmed concerning the realm of freedom, that is what concerns intersubjective understanding and imputation of responsibility, can be adequately captured by scientific explanation. Nevertheless, flourishing of intellectual capacities in man has never been observed independently of such material basis as observed by natural sciences.

22. That this conclusion is not accepted generally has already been indicated above. As noted, everything depends on whether the mystery of the beginning of human life is scientifically construed in terms of the metaphor of a program or of systems. Whatever option one takes—one should refrain from directly invoking the Holy Spirit or the Holy Scripture in order to theologically legitimize one's position. Such invocations violate the hermeneutic standards introduced above.

23. The technical term "induced pluripotent stem cells" denotes pluripotent stem cells produced through reprograming non-pluripotent adult stem cells.

24. Of course one may morally question the intention behind manipulating gametes, that, after all, are designed for fertilization, in such a way as to artificially impede that natural process. Is there really a relevant difference in view of recognized human dignity, whether one focuses on a fertilized egg cell's active potency (at least in vivo, since in vitro such cells derive their active potency from the willingness of fertilizers and parents to transplant them) or on the mere *potentia passiva* that exists in the gamete? Although such distinctions are analytically valid, they remain so abstract that even many experts will declare themselves unable to concede a corresponding moral contrast.

25. Compare Nationaler Ethikrat (2005, 65): "In the opinion of the National Ethics Council, the law should – especially in view of an increasing number of cases of dementia – make it clear that any signs of a will to live in a person who is no longer mentally competent invalidate the binding character of an advance directive in which treatment is refused, unless: a. the medical decision situation is described in the advance directive in sufficiently concrete terms; b. the advance directive refers to the signs of a will to live mentioned above and stipulates that they shall be immaterial to the decision; c. the advance directive has been drawn up in writing or comparably reliably documented; and d. the drafting of the advance directive has been preceded by appropriate advice." Compare the critical remarks in Dabrock (2007c).

26. Germany recently passed a regulation for advance health care directives (cf. Deutscher Bundestag, 2009). On the scale between a rigorous precautionary principle and a decidedly liberal view, this new law lies closer to the latter pole. Experience will reveal whether the caution recommended above in view of antecedent statements of life-and-death decisions can be integrated into the application of this new regulation. It is to be feared that the interpretation will tend rather to endorse the earlier recommendation of the (much more "liberal") National Ethics Council.

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